

pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned. Sums not obligated at the end of that period shall lapse.

(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), the funds shall lapse.

(Added Pub. L. 104-59, title III, §320(a), Nov. 28, 1995, 109 Stat. 589.)

CHAPTER 2—OTHER HIGHWAYS

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218.	Alaska Highway.
[219.]	Repealed.]

AMENDMENTS

1987—Pub. L. 100-17, title I, §133(e)(1), Apr. 2, 1987, 101 Stat. 173, struck out items 211 “Timber access road hearings”, 213 “Rama Road”, and 219 “Safer of off-system roads”.

1983—Pub. L. 97-424, title I, §126(e)(1), Jan. 6, 1983, 96 Stat. 2115, substituted “Allocations” for “Apportionment for allocation” in item 202.

Pub. L. 97-424, title I, §126(e)(2), Jan. 6, 1983, 96 Stat. 2115, substituted “Federal lands highways programs” for “Forest highways” in item 204.

Pub. L. 97-424, title I, §126(e)(3), Jan. 6, 1983, 96 Stat. 2116, substituted “Repealed” in items 206 through 209 which read “Park roads and trails”, “Parkways”, “Indian reservation roads”, “Public lands highways”, respectively.

1976—Pub. L. 94-280, title I, §135(b), May 5, 1976, 90 Stat. 442, substituted item 219 “Safer of off-system roads” for “Off-system roads”.

1975—Pub. L. 93-643, §122(b), Jan. 4, 1975, 88 Stat. 2290, added item 219.

1973—Pub. L. 93-87, title I, §§124(b), 127(a)(2), Aug. 13, 1973, 87 Stat. 262, 264, added items 217 and 218.

1970—Pub. L. 91-605, title I, §§112(b), 113(b), Dec. 31, 1970, 84 Stat. 1721, 1722, added items 215 and 216.

1962—Pub. L. 87-866, §6(c), Oct. 23, 1962, 76 Stat. 1147, added item 214.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 101, 144, 317 of this title.

§ 201. Authorizations

The provision of this title shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropria-

tions heretofore made, providing for the expenditure of Federal funds on the following classes of highways: Forest highways, forest development roads and trails, park road, parkways, Indian reservation roads, public lands highways, and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this title.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 906; Pub. L. 97-424, title I, §126(f), Jan. 6, 1983, 96 Stat. 2116.)

AMENDMENTS

1983—Pub. L. 97-424 substituted “park road” for “park roads and trails” after “forest development roads and trails.”.

§ 202. Allocations

(a) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest development roads and trails according to the relative needs of the various national forests. Such allocation shall be consistent with the renewable resource and land use planning for the various national forests.

(b) On October 1 of each fiscal year, the Secretary shall allocate 34 percent of the sums authorized to be appropriated for such fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. The Secretary shall give preference to those projects which are significantly impacted by Federal land and resource management activities which are proposed by a State which contains at least 3 percent of the total public lands in the Nation. The Secretary shall allocate 66 percent of the remainder of the authorization for public lands highways for each fiscal year as is provided in section 134 of the Federal-Aid Highway Act of 1987, and with respect to these allocations the Secretary shall give equal consideration to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through renewable resources and land use planning and the impact of such planning on existing transportation facilities.

(c) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for park roads and parkways each according to the relative needs of the various elements of the national park system, taking into consideration the need for access as identified through land use planning and the impact of such planning on existing transportation facilities.

(d) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for Indian reservation roads according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 906; Pub. L. 94-280, title I, §133, May 5, 1976, 90 Stat. 441; Pub.

¹ So in original. Does not conform to section catchline.

L. 97-424, title I, §126(a), Jan. 6, 1983, 96 Stat. 2113; Pub. L. 102-240, title I, §1032(a), Dec. 18, 1991, 105 Stat. 1974.)

REFERENCES IN TEXT

Section 134 of the Federal-Aid Highway Act of 1987, referred to in subsec. (b), is section 134 of Pub. L. 100-17, which is set out below.

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-240, §1032(a)(1), (2), redesignated subsec. (b) as (a) and struck out former subsec. (a) which read as follows: “On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways according to the relative needs of the various elements of the national forest system as determined by the Secretary, taking into consideration the need for access as identified by the Secretary of Agriculture through renewable resource and land use planning, and the impact of such planning on existing transportation facilities.”

Subsec. (b). Pub. L. 102-240, §1032(a)(2)–(4), redesignated subsec. (c) as (b), inserted “34 percent of” after “allocate”, and substituted for period at end “which are proposed by a State which contains at least 3 percent of the total public lands in the Nation. The Secretary shall allocate 66 percent of the remainder of the authorization for public lands highways for each fiscal year as is provided in section 134 of the Federal-Aid Highway Act of 1987, and with respect to these allocations the Secretary shall give equal consideration to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through renewable resources and land use planning and the impact of such planning on existing transportation facilities.” Former subsec. (b) redesignated (a).

Subsecs. (c) to (e). Pub. L. 102-240, §1032(a)(2), redesignated subsecs. (d) and (e) as (c) and (d), respectively. Former subsec. (c) redesignated (b).

1983—Subsec. (a). Pub. L. 97-424 substituted provisions relating to allocation of sums authorized to be appropriated by the Secretary for provisions relating to apportionment of sums authorized to be appropriated by the Secretary.

Subsec. (b). Pub. L. 97-424 substituted provisions requiring allocation of sums on October 1 of each fiscal year to be consistent with renewable resource and land use planning for provisions requiring allocation of sums to take into consideration existing transportation facilities, value of resources served, fire danger, and road and trail construction difficulties.

Subsec. (c). Pub. L. 97-424 inserted provisions requiring allocation of sums on October 1 of each fiscal year, and substituted provisions requiring preferences to be given to projects impacted by Federal land and resource management for provisions requiring preferences to be given to projects located on a Federal-aid system.

Subsecs. (d), (e). Pub. L. 97-424 added subsecs. (d) and (e).

1976—Subsec. (a). Pub. L. 94-280 substituted introductory “On October 1 of each fiscal year” for “On or before January 1 next preceding the commencement of each fiscal year”.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

INDIAN RESERVATION ROADS

Section 1032(d) of Pub. L. 102-240 provided that: “Notwithstanding any other provision of law, funds allo-

cated for Indian reservation roads may be used for the purpose of funding road projects on roads of tribally controlled postsecondary vocational institutions.”

Section 1042 of Pub. L. 102-240 provided that:

“(a) STUDY.—The Secretary shall conduct a study on the funding needs for Indian reservation roads taking into account funding and other quality inequities between Indian reservation roads and other highway systems.

“(b) REPORT.—Not later than 1 year after the date of the enactment of this Act [Dec. 18, 1991], the Secretary shall submit to Congress a report on the results of the study conducted under this section, together with any legislative and administrative recommendations of the Secretary for correcting inequities identified under such study.”

STUDY AND REPORT ON METHOD OF ALLOCATING FUNDS

Section 1032(e) of Pub. L. 102-240 provided that: “The Secretary shall undertake a study to determine if the method for allocating funds authorized for Federal lands highways is adequate to meet the relative transportation needs of the Federal lands served. The report shall be submitted within 2 years of the date of the enactment of this Act [Dec. 18, 1991].”

FOREST HIGHWAYS

Pub. L. 100-17, title I, §134, Apr. 2, 1987, 101 Stat. 173, as amended by Pub. L. 100-202, §101(7) [title III, §348(a)], Dec. 22, 1987, 101 Stat. 1329-358, 1329-388, provided that: “Notwithstanding section 202(a) of title 23, United States Code, the Secretary shall, after making the transfer provided by section 204(g) of such title, as soon as practicable after the date of the enactment of this Act [Apr. 2, 1987] in fiscal year 1987 and on October 1 of each of fiscal years 1988, 1989, 1990, and 1991, allocate 66 percent of the remainder of the authorization for forest highways provided for such fiscal year by this Act [see Short Title of 1987 Amendment note set out under section 101 of this title] in the same percentage as the amounts allocated for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, adjusted (1) to eliminate the 0.003243547 percent for the State of Iowa to the State by deed executed May 26, 1964, and (2) to redistribute the percentage formerly apportioned to the State of Iowa to other participating States on a proportional basis. The remaining funds authorized to be appropriated for forest highways for such fiscal year shall be allocated pursuant to section 202(a) of such title.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 104, 157 of this title.

§ 203. Availability of funds

Funds authorized for,¹ forest development roads and trails, public lands development roads and trails, park road, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or on October 1 of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of three years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be

¹ So in original. The comma probably should not appear.